

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
EHRlich, PETRIELLO, GUDIN & PLAZA, P.C. 60 Park Place, Suite 1016 Newark, New Jersey 07102 (973) 643-0040 Attorneys for Hans and Maggie Kaspersetz Joel M. Rosen, Esq. Attorney No. 010801982	
In Re: Kevin McGuire Debtor.	Chapter 7 Case No. 19-11815-JKS Judge: Hon. John K. Sherwood Hearing Date: In Accordance with Order Shortening Time In Proceedings Under Chapter 7 of the Bankruptcy Code

APPLICATION FOR ORDER SHORTENING TIME

The applicant, Joel M. Rosen, Esq., of EHRlich, PETRIELLO, GUDIN & PLAZA, A Professional Corporation on behalf of Creditor, Hans and Maggie Kaspersetz, (“Kaspersetz”) requests that the time for its Motions to Reopen Chapter 7 Proceedings and to Vacate the Automatic Stay retroactively, and related relief, pursuant to sections 362(d)(1) and (d)(2) of the Bankruptcy Code, be shortened pursuant to Bankruptcy Rule 9006(c)(1) for the reasons set forth below:

1. A shortened time period is requested because the instant Bankruptcy case was closed May 3, 2019 and the movant is requesting retroactive relief from the automatic stay.
2. Movants Hans or Maggie Kaspertetz J/T WROS (joint tenants with right of survivorship) herein referred to as “Kaspersetz” are the holders of certain tax sale

certificates issued by the Tax Collector of the Town of West New York, New Jersey, representing taxes assessed upon two real properties in which the debtor has an ownership interest, i.e. 5612 Hudson Avenue, Unit 2 E, West New York, New Jersey and 5707 Hudson Avenue, Apt. 10, West New York, New Jersey.

3. Kaspersetz filed actions against Debtor in the Superior Court of New Jersey, Chancery Division to foreclose the tax certificates, i.e.:

- A. Complaint to foreclose tax certificate number 97-073, Kaspersetz v McGuire, et. als. Docket No. F-38594-09, filed June 11, 2009 (Amended Complaint, filed June 30, 2016) in connection with the premises commonly known as 5612-14 Hudson Avenue, Unit. 2E, West New York, New Jersey. The tax certificate is comprised of taxes assessed against this premises for the year 1996 in the amount of \$2,958.41, plus interest and costs.

- B. Complaint to foreclose tax certificates numbers 97-061, 04-0074 and 05-0076, Kaspersetz v McGuire, et. als., Docket No. F- 21496-18, filed October 24, 2018 in connection with the premises commonly known as 5707 Hudson Avenue, Apt. 10, West New York, New Jersey. Tax Certificate 97-061 consisted of taxes assessed against this premises for the year 1996 in the amount of \$2,584.78, plus interest and costs. Tax Certificate 04-0074 consisted of taxes assessed against this premises for the year 2003 in the amount of \$482.52, plus interest and costs. Tax Certificate 05-0076 consisted of taxes assessed against this premises for the year 2004 in the amount of \$459.59 plus interest and costs.

4. Movant, Kaspersetz has been unable to continue the tax foreclosure proceedings on the real properties, because the Debtor's bankruptcy petition, filed January 29, 2019,

during the pendency of the foreclosure cases, was without notice to the movant and because the Automatic Stay prevents the movant from continuing with the foreclosure cases.

5. Movant's motions are based upon the debtor having no equity in the subject properties, the creditor and its counsel's lack of notice of the bankruptcy action, while the foreclosure cases proceeded in the Superior Court of New Jersey, Chancery Division.
6. As set forth in the accompanying Motion, the movant is paying the current taxes and/or any subsequent tax liens on the properties and must continue to do so, until it can complete the foreclosure action. As a result, the Movant is incurring economic hardship due to inability to complete the foreclosure actions.
7. Reduction of the time period in question is not prohibited under Fed. R. Bankr. P. 9006(c)(1) and the Rules listed therein.
8. The applicant hereby requests the entry of the proposed order shortening time.

EHRlich, PETRIELLO, GUDIN & PLAZA,
A Professional Corporation.
Attorneys for Movant

Date: January 20, 2020

By: /s/ Joel M. Rosen
JOEL M. ROSEN, ESQ.

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EHRlich, PETRIELLO, GUDIN & PLAZA, P.C. 60 Park Place, Suite 1016 Newark, New Jersey 07102 (973) 643-0040 Attorneys for Hans and Maggie Kaspersetz Joel M. Rosen, Esq. Attorney No. 010801982	Chapter 7 Case No. 19-11815-JKS
In Re: Kevin McGuire Debtor.	Judge: Hon. John K. Sherwood In Proceedings Under Chapter 7 of the Bankruptcy Code

ORDER SHORTENING TIME PERIOD FOR NOTICE, SETTING HEARING AND
LIMITING NOTICE The relief set forth on the following pages, numbered two (2) and
three (3) is hereby ORDERED.

PAGE: 2
DEBTOR: KEVIN MCGUIRE
CASE NO. 19-11815 (JKS)
CAPTION: ORDER SHORTENING TIME PERIOD FOR NOTICE, SETTING HEARING AND
LIMITING NOTICE

After review of the application of Hans and Maggie Kaspersetz ("Kaspersetz") for the reduction of time for a hearing on Motions to Reopen the Bankruptcy and to Vacate the Automatic Stay retroactively (the "Motion") under Fed. R. Bankr. P. 9006(c)(1), it is ORDERED as follows:

1. A hearing will be conducted on the matter on January ___, 2020 at ___ a.m./p.m. in the United States Bankruptcy Court, before The Honorable John K. Sherwood, U.S.B.J. at the United States Bankruptcy Court for District of New Jersey, located at 50 Walnut Street, Newark, NJ 07102, Courtroom No. 3D.

2. The Applicant must serve a copy of this Order, and all related documents, on the following parties:

Kevin McGuire, Debtor, 38 Long Valley Road, Lodi, NJ 07644

by ☐ each, ☐ any of the following methods selected by the Court:

☐ fax, ☐ overnight mail, ☐ regular mail, ☐ email, ☐ hand delivery.

3. The Applicant must also serve a copy of this Order, and all related documents, on the following parties: Donald Bonomo, Esq., Attorney for Debtor, 11 State Street, 2nd Floor, Hackensack, NJ 07601 and Chapter Seven Trustee, Steven P. Kartzman, Esq., Mellinger, Sanders & Kartzman LLC, 101 Gibraltar Dr. Suite 2F Morris Plains, NJ 07950 by X each, ☐ any of the following methods selected by the Court: ☐ fax, ☐ overnight mail, ☐ regular mail, ☐ email, ☐ hand delivery.

4. Service must be made: ☐ on the same day as the date of this order, or ☐ within three day(s) of the date of this Order.

5. Notice by telephone: ☐ is not required. ☐ must be provided to Attorney for the debtor and Trustee ☐ on the same day as the date of this Order, or ☐ within 2 day(s) of the date of this Order.

6. A Certification of Service must be filed prior to the hearing date.

7. Any objections to the motion/application identified above:

☐ must be filed with the Court and served on all parties in interest by electronic or overnight mail 2 day(s) prior to the scheduled hearing; or ☐ may be presented orally at the hearing.

8. ☐ Court appearances are required to prosecute the motion/application and any objections. ☐ Parties may request to appear by phone by contacting Chambers prior to the return date.

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In Re:	Chapter 7 Case No. 19-11815-JKS
Kevin McGuire	Judge: Hon. John K. Sherwood
Debtor.	Hearing Date: In Accordance with Order Shortening Time
	In Proceedings Under Chapter 7 of the Bankruptcy Code

PROOF OF SERVICE

I hereby certify that a copy the within Motion and supporting papers were sent to the following addresses:

VIA LAWYERS SERVICE AND ELECTRONIC MAIL

Steven P. Kartzman, *Chapter 7 Trustee*
Mellinger, Sanders & Kartzman LLC
101 Gibraltar Dr.
Suite 2F
Morris Plains, NJ 07950

VIA CERTIFIED MAIL/RRR

Kevin McGuire, *Debtor*
38 Long Valley Road
Lodi, NJ 07644

VIA LAWYERS SERVICE AND ELECTRONIC MAIL

Donald T. Bonomo, Esq. *Attorney for Debtor*
Perez and Bonomo
11 State Street
Second Floor

Hackensack, NJ 07601

I hereby certify that foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 20, 2020

/s/ Christine Canev
CHRISTINE CANEV